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ROGER BRESKE

STATE SENATOR

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MEMORANDUM

February 21, 2001

TO: Senate Committee on Insurance, Tourism and Transportation
FR: Senator Roger Breske, Chair
RE: Proposed Administrative Rule 00-122, *Relating to placement of Wisconsin-issued motor vehicle identification numbers (VINS).*

Administrative Rule 00-122 was recently referred to the Senate Committee on Insurance, Tourism and Transportation. For your reference, I have attached a copy of the rule. If you would like to request a hearing, please contact Beth in my office before **Friday, March 9, 2001.**

CR 00-122

The Wisconsin Department of Transportation proposes an order to create TRANS 158, Wisconsin Administrative Code, relating to placement of Wisconsin-issued Motor Vehicle Identification numbers (VINs)

**REPORT OF THE DEPARTMENT OF TRANSPORTATION
ON THE FINAL RULE DRAFT**

This report is submitted to the presiding officers of the Senate and Assembly for referral to the appropriate standing committees. The report consists of the following parts:

Part 1--Analysis prepared by the Department of Transportation.

Part 2--Rule text in final draft form.

Part 3--Recommendations of the Legislative Council.

Part 4--Analysis prepared pursuant to the provisions of s. 227.19(3), Stats.

Submitted by:



JOE MAASSEN
Assistant General Counsel
Office of General Counsel
Department of Transportation
Room 115-B, Hill Farms State
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P. O. Box 7910
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(608) 266-8810

PART 1

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: s. 342.30(2), Stats.

STATUTES INTERPRETED: s. 342.30(2), Stats.

General Summary of Proposed Rule. This rule making creates ch. Trans 158 which specifies the location where a Wisconsin-issued Vehicle Identification Number (VIN) should be placed upon a vehicle. The Department is directed by 1999 Wis. Act 80 to promulgate this rule.

Fiscal Impact. The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district or sewerage district, or any federally-recognized tribes or bands. The Department estimates that there will be no fiscal impact on state revenues or liabilities.

Copies of Rule. Copies of the proposed rule may be obtained, without cost, by writing to Carson Frazier, Division of Motor Vehicles, Bureau of Vehicle Services, Room 253, P. O. Box 7911, Madison, Wisconsin 53707-7911, or by calling (608) 266-7857. Alternative formats of the proposed rule will be provided to individuals at their request.

TEXT OF PROPOSED RULE

Under the authority vested in the state of Wisconsin, department of transportation, by s. 342.30(2), Stats., the department of transportation hereby proposes to create a rule interpreting s. 342.30(2), Stats., relating to placement of Wisconsin-issued vehicle identification numbers (VINS).

SECTION 1. Chapter Trans 158 is created to read:

CHAPTER TRANS 158

PLACEMENT OF WISCONSIN-ISSUED VINS

Trans 158.01 Purpose. The purpose of this chapter is to interpret and administer s. 342.30(2), Stats., relating to the placement of Wisconsin-issued vehicle identification numbers.

Trans 158.02 Definitions. The words and phrases defined in s. 340.01, Stats., have the same meaning in this chapter unless a different definition is specifically provided. In this chapter, "VIN" means vehicle identification number.

Trans 158.03 Wisconsin-issued VINs. The official Wisconsin-issued VIN consists of department-issued VIN plate with the VIN stamped on it, and department-issued rivets with which to attach the VIN plate to the vehicle.

Trans 158.04 Placement of the Wisconsin-issued VIN. (1) For recreational vehicles, trailers and semi-trailers, the VIN plate shall be attached to a location on the vehicle as directed by the department. The department will direct specific location on the vehicle to which the VIN plate is to be attached by way of installation instructions in form MV2048, which the department will include with every Wisconsin-issued VIN.

(2)(a) For all other motor vehicles, the VIN plate shall be attached to a location on the vehicle as directed by the department, and a department-issued sticker shall be placed on the inside of the front windshield at the driver's side lower left of the windshield adjacent to the front pillar, with the wording of the sticker to be readable from the outside of the vehicle, as directed by the department. The department will direct specific location on the vehicle to which the VIN plate is to be attached by way of installation instructions in form MV2048, which the department will include with every Wisconsin-issued VIN.

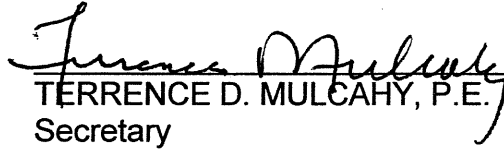
NOTE: Form MV2048 can be obtained by writing to the Department's Division of Motor Vehicles, Bureau of Vehicle Services, P.O. Box 7909, Madison, WI 53707-7909, or by calling (608) 266-1466.

(2)(b) The department-issued sticker is to be readily visible and readable from the outside of the vehicle and will identify the specific location of the Wisconsin-issued VIN plate on the vehicle.

(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 18 day of February, 2001.

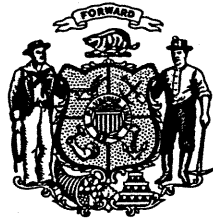

TERRENCE D. MULCAHY, P.E.
Secretary
Wisconsin Department of Transportation

WISCONSIN LEGISLATIVE COUNCIL STAFF



RULES CLEARINGHOUSE

Ronald Sklansky
Director
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One E. Main St., Ste. 401
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PART 3

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 00-122

AN ORDER to create Trans 158, relating to placement of Wisconsin-issued motor vehicle identification numbers (VINs).

Submitted by **DEPARTMENT OF TRANSPORTATION**

08-15-00 RECEIVED BY LEGISLATIVE COUNCIL.

09-08-00 REPORT SENT TO AGENCY.

RNS:REL:jal;rv

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

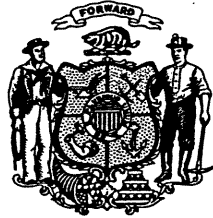
Comment Attached YES NO

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 00-122

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

1. Statutory Authority

Section 342.30 (2), Stats., provides that "an identification number assigned by the department to a vehicle shall be permanently affixed to a location on the vehicle that is readily visible when observed from outside the vehicle, as specified by the department." However, s. Trans 158.04 (1) and (2) simply provide that ". . . the VIN plate shall be attached to a location on the vehicle as directed by the department." As a partial explanation, the first note under s. Trans 158.04 states that "the Department will direct specific location on the vehicle to which the VIN plate is to be attached by way of installation instructions in Form MV2048, which the Department will include with every Wisconsin-issued VIN." It is understandable that the department would not want to list in the rule where to install a vehicle identification number (VIN) plate on every make of vehicle, recreational vehicle, trailer and semi-trailer; however, the department is directed by statute to specify the VIN location in the rule. If the department does not wish to include the VIN location for every make of vehicle in the rule, perhaps it should request a statutory change.

2. Form, Style and Placement in Administrative Code

a. In s. Trans 158.03 (intro.), "all of the following" should be inserted before the colon. [See s. 1.03 (8), Manual.]

b. The second note under s. Trans 158.04 states that “the department-issued sticker is to be readily visible and readable from the outside of the vehicle and will identify the specific location of the Wisconsin-issued VIN plate on the vehicle.” This information is substantive in nature and should be included in the text of the rule. [See s. 1.09 (1), Manual.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. Trans 158.04 (2), it appears that a phrase such as “with the” should be inserted before “wording.” In sub. (3), “shall be” should replace “is.”

b. The second note included in s. Trans 158.04 refers to a “department-issued sticker.” Will the department include the sticker with every Wisconsin-issued VIN?

c. Section Trans 158.03 provides that the official Wisconsin VIN consists of: (1) “Department-issued VIN plate with the VIN stamped on it”; and (2) “Department-issued rivets with which to attach the VIN plate to the vehicle.” However, s. Trans 158.04 (3) provides that “For motorcycles only, as specified in s. 342.30 (2), Stats., the Wisconsin-issued VIN is stamped on the left side, near the top of the engine casting just below the cylinder barrel.” Should the description of the official Wisconsin-issued VIN in s. Trans 158.03 include the “stamp” used only on motorcycles?

PART 4
CR 00-122

ANALYSIS OF FINAL DRAFT OF TRANS 158

(a) **Need for Amended Rule.** This rule making creates ch. Trans 158 which specifies the location where a Wisconsin-issued Vehicle Identification Number (VIN) should be placed upon a vehicle. The Department is directed by 1999 Wis. Act 80 to promulgate this rule.

(b) **Modifications as a Result of Testimony at Public Hearing.** Notice of intent to adopt this proposed rule without public hearing was given under the procedure set forth in s. 227.16(2)(b), Stats.

(c) **List of Persons who Appeared or Registered at Public Hearing.** Because there was no hearing, there were none.

(d) **Response to Legislative Council Recommendations.** Responses to the Legislative Council comments are as follows:

1. **Statutory Authority.** The Legislative Council notes that s. 342.30(2), Stats., provides that the Department specify location on the vehicle of the Wisconsin-issued VIN; and that the note under s. Trans 158.04(1) and (2) states how the Department will specify that location, by way of installation instructions issued along with the Wisconsin-issued VIN. It is practically impossible to specify in this rule the VIN location for every conceivable vehicle type. However, we recognize the Legislative Council's point that the rule itself (and not the note) must include the method that the Department will use to direct placement of the VIN. Therefore, we have placed the information from the note into the actual rule provisions.

2. **Form, Style and Placement in Administrative Code.** a. This comment was adopted.

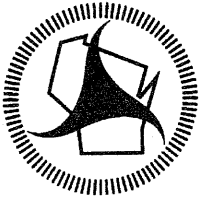
b. This comment was adopted.

5. **Clarity, Grammar, Punctuation and Use of Plain Language.** a. This comment was adopted.

b. The Legislative Council asks if the department-issued sticker will be included with every Wisconsin-issued VIN. The Department issues a sticker for placement on the windshield only for vehicles, such as automobiles, which have a windshield and for which the Department directs VIN placement in another location such as the doorjamb of an automobile. It is practically impossible to place a VIN-plate on the dashboard visible through the windshield, except during manufacture of an automobile; therefore, the sticker, which can be placed on the inside of the windshield, will identify the specific location of the true VIN plate.

c. The Legislative Council comments that the definition of the official Wisconsin VIN in s. Trans 158.03 refers only to the VIN plate and does not include the stamped VIN which is the official form of VIN for motorcycles. The Department will address the question of placement of VINs for motorcycles in a separate rule making, allowing DOT to consider not only the alternatives but also statutory alternatives.

(e) **Final Regulatory Flexibility Analysis.** This proposed rule will have no adverse impact on small businesses.



Wisconsin Department of Transportation

www.dot.state.wi.us

Scott McCallum
Governor

Terrence D. Mulcahy, P.E.
Secretary

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March 6, 2001

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E-Mail: ogc.exec@dot.state.wi.us

The Honorable Fred Risser
President, Wisconsin State Senate
Room 220 South, State Capitol
Madison, Wisconsin 53707

The Honorable Scott Jensen
Speaker, Wisconsin State Assembly
Room 211 West, State Capitol
Madison, Wisconsin 53707

RE: CLEARINGHOUSE RULE 00-122 AFFECTING CH. TRANS 158, WIS. ADMIN. CODE

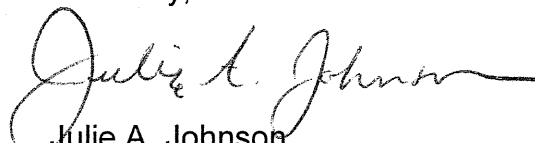
Gentlemen:

This is to notify you that the Department of Transportation is hereby recalling proposed Clearinghouse Rule **00-122**, relating to **placement of Wisconsin-issued motor vehicle identification numbers (VINs)**, from the chief clerk of each house of the Legislature, pursuant to § 227.19(4)(b)4, Stats.

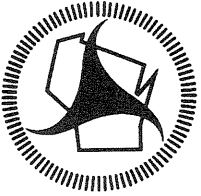
The proposed rule underwent additional internal review during committee review and, after discussions with the Legislative Council, the Department determined that it would re-submit the proposed rule after statutory changes have been made.

It is understood that when the Department resubmits the proposed rule with germane modification that the 30-day review period for both committees will begin again as provided in § 227.19(4)(b)1, Stats.

Sincerely,


Julie A. Johnson
Paralegal

cc: Senator Judy Robson/Representative Glenn Grothman/Senator Roger Breske/
Representative Jeff Stone/Ron Sklansky/Gary Poulson/Roger D. Cross/
Carson Frazier



Wisconsin Department of Transportation

www.dot.state.wi.us

AUG 16 2000

Tommy G. Thompson
Governor

Terrence D. Mulcahy, P.E.
Secretary

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The Honorable Senator Roger Breske
Chairman, Senate Transportation Committee
Room 18 South, State Capitol
Madison, Wisconsin 53702

August 14, 2000

The Honorable Representative David Brandemuehl
Chairman, Assembly Committee on Highways & Transportation
Room 317 North, State Capitol
Madison, Wisconsin 53702

RE: **NOTICE OF INTENT TO ADOPT RULE WITHOUT PUBLIC HEARING** and Text
of Proposed Rule, relating to **placement of Wisconsin-issued motor vehicle
identification numbers (VINS), Trans 158**

Dear Senator Breske and Representative Brandemuehl:

In accordance with the Department of Transportation's practice of notifying the Legislative Transportation Committees concerning rule making actions, I submit the enclosed documents for your information. These documents have also been filed with the Legislative Council and with the Revisor of Statutes in accordance with the requirements of §§ 227.15(1) and 227.16(2)(b), Stats.

Sincerely,

A handwritten signature in cursive script that reads "Julie A. Johnson".

Julie A. Johnson
Paralegal

Enclosure

cc: Alice Morehouse
Mike Goetzman
Roger D. Cross
Carson Frazier

The Wisconsin Department of Transportation proposes an order to create TRANS 158, Wisconsin Administrative Code, relating to placement of Wisconsin-issued Motor Vehicle Identification numbers (VINs)

**NOTICE OF INTENT TO ADOPT RULE
WITHOUT PUBLIC HEARING
AND
TEXT OF PROPOSED RULE**

NOTICE IS HEREBY GIVEN that pursuant to the authority of s. 342.30(2), and 227.11, Stats., and according to the procedure set forth in s. 227.16(2)(b), Stats., the Wisconsin Department of Transportation will adopt the following rule creating ch. Trans 158, relating to placement of Wisconsin-issued vehicle identification numbers, without public hearing.

Questions about this rule may be addressed to Carson Frazier, Division of Motor Vehicles, Bureau of Vehicle Services, Room 253, P. O. Box 7911, Madison, Wisconsin 53707-7911, telephone (608) 266-7857.

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: s. 342.30(2), Stats.

STATUTES INTERPRETED: s. 342.30(2), Stats.

General Summary of Proposed Rule. This rule making creates ch. Trans 158 which specifies the location where a Wisconsin-issued Vehicle Identification Number (VIN) should be placed upon a vehicle. The Department is directed by 1999 Wis. Act 80 to promulgate this rule.

Fiscal Impact. The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district or sewerage district, or any federally-recognized tribes or bands. The Department estimates that there will be no fiscal impact on state revenues or liabilities.

Initial Regulatory Flexibility Analysis. This proposed rule will have no adverse impact on small businesses.

Copies of Rule. Copies of the proposed rule may be obtained, without cost, by writing to Carson Frazier, Division of Motor Vehicles, Bureau of Vehicle Services, Room 253, P. O. Box 7911, Madison, Wisconsin 53707-7911, or by calling (608) 266-7857. Alternative formats of the proposed rule will be provided to individuals at their request.

TEXT OF PROPOSED RULE

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SECTION 1. Chapter Trans 158 is created to read:

CHAPTER TRANS 158

PLACEMENT OF WISCONSIN-ISSUED VINS

Trans 158.01 Purpose. The purpose of this chapter is to interpret and administer s. 342.30(2), Stats., relating to the placement of Wisconsin-issued vehicle identification numbers.

Trans 158.02 Definitions. The words and phrases defined in s. 340.01, Stats., have the same meaning in this chapter unless a different definition is specifically provided. In this chapter, "VIN" means vehicle identification number.

Trans 158.03 Wisconsin-issued VINs. The official Wisconsin-issued VIN consists of:

- (1) Department-issued VIN plate with the VIN stamped on it.
- (2) Department-issued rivets with which to attach the VIN plate to the vehicle.

Trans 158.04 Placement of the Wisconsin-issued VIN. (1) For recreational vehicles, trailers and semi-trailers, the VIN plate shall be attached to a location on the vehicle as directed by the department.

(2) For all other motor vehicles except motorcycles, the VIN plate shall be attached to a location on the vehicle as directed by the department, and a department-issued sticker shall be placed on the inside of the front windshield at the driver's side lower left of the windshield adjacent to the front pillar, wording of the sticker to be readable from the outside of the vehicle, as directed by the department.

NOTE: For subs. (1) and (2), the Department will direct specific location on the vehicle to which the VIN plate is to be attached by way of installation instructions in Form MV2048, which the Department will include with every Wisconsin-issued VIN.

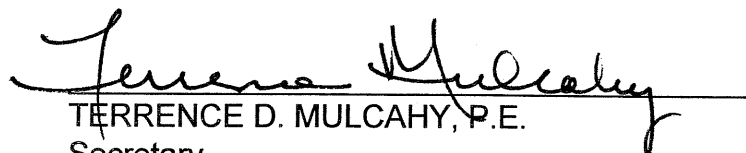
NOTE: For sub. (2), the Department-issued sticker is to be readily visible and readable from the outside of the vehicle and will identify the specific location of the Wisconsin-issued VIN plate on the vehicle.

(3) For motorcycles only, as specified in s. 342.30(2), Stats., the Wisconsin-issued VIN is stamped on the left side, near the top of the engine casting just below the cylinder barrel.

(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 14 day of August, 2000.


TERRENCE D. MULCAHY, P.E.
Secretary
Wisconsin Department of Transportation